

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDE GALLAND; VIOLAINE GALLAND/
PARISTUDIOS,

Affirmation In Opposition

Index No. 14-CV-4411-SU

Plaintiff(s),

-against-

JAMES JOHNSTON; JUDITH JOHNSTON;
STEPHEN BOWDEN; TERRI BOWDEN,

Defendant(s).

PAUL J. FELICIONE, ESQ., an attorney duly admitted to practice law before the
Courts of the United States District Court for the Southern District of New York, affirms
the following to be true under the penalties of perjury:

1. I am with the law offices of **DeSENA & SWEENEY, LLP**, attorneys of record for defendants, JAMES JOHNSTON AND JUDITH JOHNSON, and as such, am familiar with the facts and circumstances of this action. The source of my knowledge and information are the records maintained by your affirmant's office in the course of the defense of this action.
2. This affirmation is submitted in opposition to plaintiffs' second motion to "amend the complaint".
3. The motion should be denied in the first instance since it is procedurally defective in that it does not have a return date.
4. In addition, this Court has already taken under submission the defendants' motion to dismiss that was submitted to the Court for decision on August 8, 2014. The plaintiffs are attempting to cure the deficiencies in their original complaint by serving the instant motion. The

plaintiffs have already cross-moved to amend their complaint in their opposition to the motion to dismiss. Your affirrant is not sure of exactly why plaintiffs are serving a second motion seeking duplicative relief.

5. It is respectfully submitted that the plaintiffs' second motion to amend the complaint should be denied in its entirety.

WHEREFORE, it is respectfully submitted that the plaintiffs' second motion to amend the complaint should be denied in its entirety.

Dated: Bohemia, New York
September 12, 2014

CLAUDE AND VIOLAINE GALLAND
166 WEST 75TH STREET
NEW YORK, NEW YORK 10023
(917) 770-1046

HERZFELD & RUBIN, P.C.
Attorney(s) for Defendant(s)
STEPHEN BOWDEN AND TERRI
BOWDEN
125 Broad Street
New York, New York 10004
(212) 471-8500

Yours, etc.,
DeSENA & SWEENEY, LLP

S/
PAUL J. FELICIONE, ESQ.(7795)
Attorney(s) for Defendant(s)
JAMES JOHNSTON AND JUDITH
JOHNSTON 1500 Lakeland Avenue
Bohemia, NY 11716
(631) 360-7333
File Number: 14SF0262SDNY
Claim Number: 37-33V0-980

